

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

ETW Development Company, LLC,)	
)	
Plaintiff(s),)	CA <u>4:12-cv-00170-RBH</u>
v.)	
)	
ACE Fire Underwriters Insurance Company,)	
)	
Defendant(s).)	
_____)	

The Court, having been advised by counsel for the parties that the above action has been settled, **HEREBY ORDERS** that this action is hereby dismissed without costs and without prejudice. If settlement is not consummated within a reasonable time, either party may within sixty (60) days petition the Court to reopen the action and restore it to the calendar, Rule 60(b)(6) of the Federal Rules of Civil Procedure. In the alternative, to the extent permitted by law, either party may within sixty (60) days petition the court to enforce settlement. *Fairfax Countywide Citizens v. Fairfax County*, 571 F.2d 1299 (4th Cir. 1978).

The dismissal hereunder shall be *with prejudice* if no action is taken under either alternative within sixty (60) days from the filing date of this Order.

IT IS SO ORDERED.

s/R Bryan Harwell
HONORABLE R. BRYAN HARWELL
UNITED STATES DISTRICT JUDGE

Florence, S.C.
December 19, 2012